

COPY

DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **HEART HOMING PEPTIDES AND METHODS OF USING SAME**, the specification of which

_____ is attached hereto as Attorney Docket No. _____).

XX was filed on **JUNE 7, 1999**, as Application Serial No. **09/326,718** (Attorney Docket No. **P-LJ 3512**).

and was amended on (or amended through) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim;

Inventors: Ruoslahti and MacKenna
Serial No.: 09/326,718
Filed: June 7, 1999
Page 2 of 2

or (2) It refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (ii) Asserting an argument of patentability.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Erkki Ruoslahti

Inventor's signature: 

Date: 09/28/99

Residence: Rancho Santa Fe, California

Citizenship: U.S.A.

Post Office Address: Post Office Box 1054
Rancho Santa Fe, CA 92067

Full name of second inventor: Deidre A. MacKenna

Inventor's signature: 

Date: 9/30/99

Residence: San Diego, California

Citizenship: U.S.A.

Post Office Address: 4614 Alhambra Street
San Diego, CA 92107

PATENT
Our Docket: P-LJ 4857

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Ruoslahti and MacKenna)
)
)
Serial No.: Unknown)
)
)
Filed: Herewith)
)
For: HEART HOMING CONJUGATES)
)
)

Commissioner for Patents
Washington, D.C. 20231

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

(1) Individual person:

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

(2) Small business concern:

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

“Business concern” means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

Inventors: Ruoslahti and MacKenna
Serial No.: Unknown
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Page 2 of 4

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

(3) Nonprofit organization:

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity

Inventors: Ruoslahti and MacKenna
Serial No.: Unknown
Filed: Herewith
Docket No.: P-LJ 4857
Page 3 of 4

Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

The Burnham Institute
10901 North Torrey Pines Road
La Jolla, California 92037

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

Inventors: Ruoslahti and MacKenna
Serial No.: Unknown
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Page 4 of 4

I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

7/17/01

Date

Elias Lazarides
Signature

ELIAS LAZARIDES
Printed Name

PRESIDENT & CEO
Title

TARGETED MOLECULES CORPORATION
6605 Nancy Ridge Drive
San Diego, California 92121

PATENT
Our Docket: P-LJ 4857

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Ruoslahti and MacKenna)
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Serial No.: Unknown)
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Page 2 of 4

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Targeted Molecules Corporation
6605 Nancy Ridge Drive
San Diego, California 92121

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Serial No.: Unknown
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July 17, 2001

Date

John Campbell
Signature

John Campbell
Printed Name

Director of Intellectual Property
Title

THE BURNHAM INSTITUTE
10901 N. Torrey Pines Road
La Jolla, California 92037 USA

PATENT
Our Docket: P-LJ 4857

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Ruoslahti and MacKenna)
)
Serial No: Not yet assigned)
)
Filed: Herewith)
)
For: HEART HOMING CONJUGATES)
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Commissioner for Patents
Washington, D.C. 20231

APPOINTMENT OF ASSOCIATE ATTORNEY

I am attorney of record in the above-referenced patent application and, pursuant to 37 C.F.R. 1.34b, I hereby appoint David A. Gay, Registration No. 39,200, Calvin A. Fan, Registration No. 38,444, Andrea L. Gashler, Registration No. 41,029, James J. Wong, Registration No. 34,949, Deborah L. Cadena, Registration No. 44,048, Melanie K. Webster, Registration No. 45,201, Astrid R. Spain, Registration No. 47,956, and Margaret M. Parr, 48,111, as associate attorneys of record to prosecute this application as well as any continuation and divisional applications and to transact all business in the Patent and Trademark Office in connection therewith.

Respectfully submitted,



Cathryn Campbell
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Date: July 20, 2001

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